

DRAFT

General Permit: AKG-37-5000

**AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT
DISCHARGE ELIMINATION SYSTEM FOR ALASKAN SMALL SUCTION DREDGE
PLACER MINERS**

[General Permit No.: AKG-37-5000]

In compliance with the provisions of the Clean Water Act (CWA), 33 U.S.C. § 1251 et seq., as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act",

Owners and operators of facilities engaged in the processing of placer gold are authorized to discharge to waters of the United States, in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein.

**A COPY OF THIS GENERAL PERMIT MUST BE KEPT AT THE SITE
WHERE DISCHARGES OCCUR.**

[Facility Name]

[Receiving Water]

This permit shall become effective on

This permit and the authorization to discharge shall expire on

DRAFT

Randall F. Smith
Director
Office of Water, Region 10
U.S. Environmental Protection Agency

I. COVERAGE UNDER THIS PERMIT**A. Coverage and Eligibility**

Upon the submittal of a Notice of Intent (NOI) to EPA or to the Alaska Department of Fish and Game (ADF&G) to gain coverage under this permit, facilities which meet the criteria for coverage under Part I of this permit will be granted coverage.

ADF&G accepts applications for several area permits. The areas covered by these permits are designated in Appendix A. Facilities applying for ADF&G area permits will be covered by one NPDES permit for each area.

B. Termination of Discharges

The permittee shall notify EPA when General Permit coverage is no longer needed at a site or within an area described by an NOI.

C. Authorized Placer Mining Operations

This permit authorizes placer mining by suction dredges with intake nozzles less than or equal to 6 inches. Hose size shall not be greater than 2 inches larger than the nozzle size. If a constrictor ring is used, nozzle size may be determined based on the size of the constrictor ring, provided that the ring is of solid, one-piece construction with no openings other than the intake and openings not greater than one inch between the constricting ring and nozzle, and that the ring is welded or otherwise permanently attached over the end of the intake nozzle.

D. Additional Requirements

Many streams and stream reaches in Alaska have been designated as part of the federal wild and scenic rivers system or as Conservation System Units (CSUs) by the federal government. Permittees should contact the district offices of the federal agencies that administer the designated area for additional restrictions that may apply to operating within the area.

E. Prohibitions

1. This general permit does not apply to facilities located or proposed to be located in National Parks System Units (i.e., Parks and Preserves), National Monuments, National Sanctuaries, National Wildlife Refuges, National Conservation Areas, National Wilderness Areas, National Critical Habitat Areas, or waters within the boundaries of areas designated as wild under the Wild & Scenic Rivers Act.
2. This permit does not apply to wetlands designated in the 1995 Anchorage Wetlands Management Plan.

F. Permit Expiration

This permit will expire 5 years from effective date. For facilities submitting a new NOI 90 days prior to expiration of this general permit, the conditions of the expired permit continue in force until the effective date of a new permit.

II. BEST MANAGEMENT PRACTICES (BMPs)

- A. Streambanks shall not be mined or otherwise disturbed. Dredging is only permitted within the existing wetted perimeter (waterline) in the active stream channel. This provision does not apply to suction dredges operating within mine cuts located above the ordinary high water line or disconnected ponds and meander cutoffs.
- B. Dredging and discharging are prohibited in locations where fish are spawning or where fish eggs or alevins are known to exist at the time dredging occurs. Each Permittee shall consult the regional office of ADF&G for the region in which the Permittee proposes to operate a dredge in order to obtain the information necessary to comply with this BMP.
- C. Motorized winches or other motorized equipment shall not be used to move boulders, logs, or other natural instream obstructions.
- D. No wheeled or tracked equipment may be used instream while dredging is in progress.
- E. No damming or diversions are authorized.
- F. Dredging of concentrated silt and clay should be avoided. The permittee shall use reasonable care to avoid dredging silt and clay materials that would result in a significant increase in turbidity. Reasonable care includes moving the dredge to a new location, or reducing the volume of effluent discharged by limiting the operating speed of the suction dredge.
- G. Care shall be taken by the operator during refueling of the dredge to prevent spillage into surface waters or to groundwater.

III. COMPLIANCE RESPONSIBILITIES

- A. **Duty to Comply.** The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The Permittee shall give advance notice to the Director and ADEC of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

B. Penalties for Violations of Permit Conditions.

1. Civil and Administrative Penalties. Any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be subject to a civil or administrative penalty, not to exceed the maximum amounts authorized by Sections 309(d) and 309(g) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note).
2. Criminal Penalties:
 - a. Negligent Violations. The Act provides that any person who negligently violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be punished by a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or by both.
 - b. Knowing Violations. The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be punished by a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or by both.
 - c. Knowing Endangerment. The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this subparagraph, be subject to a fine of not more than \$1,000,000.
 - d. False Statements. The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both.

- C. Need to Halt or Reduce Activity not a Defense.** It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

- D. Duty to Mitigate.** The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

IV. GENERAL REQUIREMENTS

- A. Anticipated Noncompliance.** The Permittee shall also give advance notice to the Director and ADEC of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. Permit Actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- C. Duty to Reapply.** If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must apply for and obtain a new permit. The NOI should be submitted at least 90 days before the expiration date of this permit.
- D. Duty to Provide Information.** The Permittee shall furnish to the Director and ADEC, within a reasonable time, any information which the Director or ADEC may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit.
- E. Other Information.** When the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director or ADEC, it shall promptly submit such facts or information.
- F. Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under Section 311 of the Act.
- G. Property Rights.** The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- H. Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- I. State Laws.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or

penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

J. Paperwork Reduction Act. EPA has reviewed the requirements imposed on regulated facilities in this final general permit under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. The information collection requirements of this permit have already been approved by the Office of Management and Budget in submission made for the NPDES permit program under the provisions of the CWA.

K. Inspection and Entry. The Permittee shall allow the Director, Alaska Department of Environmental Conservation (ADEC), or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
3. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

L. Transfers. This permit may be automatically transferred to a new permittee if:

1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.

V. DEFINITIONS

- A. "Active Stream Channel" means that part of the channel that is below the level of the water. Unvegetated gravel bars are considered part of the active stream channel.
- B. "Instream" means within the "active stream channel."

- C. "Silt and Clay" are soil particles having a diameter of less than 0.002 mm (2 microns).

ADF&G Fairbanks Lists

Dalton Highway List	Steese Highway List
<p> Fish Creek Bonanza Creek SF Bonanza Creek NF Bonanza Creek Prospect Creek Jim River SF Koyukuk River MF Koyukuk River Rosie Creek Slate Creek Clara Creek Dry Gulch Minnie Creek* Bluff Creek Hammond River Monatana Gulch Nugget Creek* Gold Creek* Unnamed Creek Bettles River Disaster Creek </p> <p>*Parts of these creeks are considered non-navigable by BLM and are closed. Please check with the BLM office in Fairbanks for the closure areas.</p>	<p> Chatanika River McManus Creek Bachelor Creek Sourdough Creek MP72 Gravel Pit Faith Creek Hope Creek Charity Creek Grouse Creek Camp Creek Poker Creek Pilot Creek Captain Creek Kokomo Creek Crooked Creek Belle Creek McKay Creek Boston Creek Long Creek Twelvemile Creek Birch Creek** (the stream reach bounded by the Steese Highway is designated wild under Wild & Scenic Rivers Act) Mammoth Creek Boulder Creek Mastadon Creek NF Harrison Creek </p>
Fortymile List	
<p> Champion Creek** Joseph Creek** Mosquito Fork (Upstream of Kechumstuk and downstream of Ingle) Slate Creek Independence Creek Molly Creek Hutchinson Creek Kechumatuk Creek Franklin Creek Ingle Creek </p>	<p> Uhler Creek Napoleon Creek Jack Wade Creek Logging Cabin Creek Dennison Fork EF Dennison Fork WF Dennison Fork O'Brien Creek SF Fortymile River MF Fortymile River (Upstream of Joseph Creek) Fortymile River </p>
<p>** All or part of these creeks have been designated wild under the Wild & Scenic Rivers Act. This general permit does not cover activities in these areas. See Permit Part I.D.1. for more information.</p>	

ADF&G Anchorage Lists		
Sixmile Creek Drainage		Resurrection Creek Drainage
Falls Creek	Bertha Creek	Cripple Creek
Cub Creek	Moose Creek	Wildhorse Creek
Walker Creek	Roaring Creek	Bedrock Creek
Old Woman Creek	Weber Creek	Rimrock Creek
Alder Creek	Black Creek	Gold Gulch
Black Creek	Wilson Creek	Palmer Creek
Beaver Dam Creek	Mills Creek	Highland Creek
Nelson Creek	Butcher Creek	Island Creek
Canyon Creek	Tenderfoot Creek	Willow Creek
East Fork	Fresno Creek	Wolf Creek
Gulch Creek	Colorado Creek	Cannonball Creek
Center Creek	Pass Creek	Caribou Creek
Bench Creek	Tributary Creek	Pass Creek
Lynx Creek	Frenchy Creek	White Creek
Granite Creek	Divide Creek	Moose Creek
Petes Creek	Groundhog Creek	Fox Creek
Spokane Creek	Gleason Creek	Hungry Creek
Taylor Creek	Ohio Creek	East Creek
Lyon Creek	Tincan Creek	Abernathy Creek
unnamed tributaries		Afanasa Creek
		American Creek
		unnamed tributaries
Little Susitna River - Fishhook Creek Drainages		
Government Creek		
Fishhook Creek		
Delia Creek		
Archangel Creek		
Lone Tree Gulch		
East Fork		
Hatcher Creek		
Maguire Creek		
numerous unnamed tributaries		

**Small Suction Dredge Notice of Intent Information Sheet
AKG-37-5000**

Permittee Name:

Winter Address

Summer Address (if different)

Phone Number(s):

Operator Name (if different):

Area Permit(s): Check any that apply.

Fairbanks

☐ Steese Highway

☐ Dalton Highway

☐ Fortymile Area

Anchorage

☐ Sixmile/Resurrection Creek

Drainages

☐ Little Susitna/Fishhook

Creek Drainages

If an Area Permit is not applicable, please complete the list below.

If you need additional space, attach another sheet.

Waterbody	Nearest Town	Mining District (see back)

Size of Suction Dredge Nozzle (6 inches or less):

Signature:

Date

Printed Name:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

